

Senator Colson by unanimous consent submitted the following reports for Senator Aikin:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 66, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Session for Consideration of Local and Uncontested Bills Calendar

On motion of Senator Martin and by unanimous consent, the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar on Tuesday January 23, 1962, at 2:30 o'clock p.m.

Welcome Resolutions

S. R. No. 33—By Senator Krueger for President Pro Tempore Herring: Extending welcome to Mrs. Parmley and Mrs. Love and Third Grade Class of Govalle School in Austin.

S. R. No. 34—By Senator Dies: Expressing admiration to Mrs. Amy Stubblefield for her many years of public service.

Memorial Resolution

S. R. No. 35, Memorial Resolution for Ben C. Belt.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 10:30 o'clock a.m., on Monday, January 22, 1962.

Senator Martin moved that the Senate stand adjourned until 3:00 o'clock p.m. today.

Question first on the motion of Senator Hardeman to adjourn until Monday, 10:30 o'clock a.m.

The motion to adjourn was lost by the following vote:

Yeas—8

Aikin	Hudson
Calhoun	Lane
Crump	Moore
Hardeman	Parkhouse

Nays—21

Baker	Owen
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Martin	Willis
Moffett	

Absent—Excused

Roberts	Weinert
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Question next on the motion of Senator Martin that the Senate stand adjourned until 3:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 1:29 o'clock p.m. adjourned until 3:00 o'clock p.m. today.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the motion to adjourn.

NINTH DAY

(January 18, 1962)

The Senate met at 3:00 o'clock p.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Dies	Martin
Fuller	Moffett
Hardeman	Moore

Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Spears
Reagan	Willis
Rogers	

Absent—Excused

Roberts	Weinert
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A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absences

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Aikin.

Senate Bill 75 on First Reading

The following bill was introduced, and read first time:

By Senators Schwartz and Spears:

S. B. No. 75, A bill to be entitled "An Act amending the Election Code of Texas, enacted by Chapter 492, Acts of the 52nd Legislature, Regular Session, 1951, by adding thereto a new article providing for special elections for State Representative and State Senator, and that election of such offices be by majority vote, prescribing procedures for holding such election, canvassing vote, making returns, and certification of election; amending Section 2 of Article 32a of the Election Code of Texas, codified as Section 2 of Article 4.10, Vernon's Texas Election Code, so as to increase the filing fee of candidates in special elections for the office of Representative and Senator of the Legislature; amending Section 4 of Article 32a of the Election Code of Texas, codified as Section 4 of Article 4.10, Vernon's Texas Election Code so as to require party designation on the ballot; amending Section 186a of the Election Code of Texas, added by Section 1 of Chapter 494, Acts of the 55th Legislature, Regular Session, 1957, codified

as Article 13.08a, Vernon's Texas Election Code, so as to permit the county executive committee of certain counties to require of candidates for the office of Representative or Senator of the Legislature, to pay amounts not to exceed Three Hundred Dollars (\$300) as a prerequisite to the placing of their names upon the ballot in a primary election; and declaring an emergency."

The bill was read first time and after first reading Senator Hudson raised a point of order that S. B. No. 75 was not within the Governor's Call.

The point of order was sustained and the President Pro Tempore refused to refer S. B. No. 75 to a committee. The Chair referred to ruling of Lt. Gov. Barry Miller, 41st Legislature, 5th Called Session, 9, 14.

Senate Concurrent Resolution 16

Senator Martin submitted the following resolution:

S. C. R. No. 16, Establishing Border Conference Committee to make certain studies.

Whereas, The adjoining states of the United States of Mexico and their Federal Government have initiated a far-reaching and comprehensive program of city planning, economic development and beautification and desire the cooperation of the sister cities in the United States of America in furthering a joint development program; and

Whereas, The orderly planning and development of this area by the United States of Mexico and the Border States of the United States of America will promote the economic, financial and cultural growth and appreciation of both nations' resources; and

Whereas, The Federal Government of the United States of America has available funds for border planning in the four states of California, Arizona, New Mexico and Texas in a co-operative effort with the United States of Mexico to stimulate this area of mutual accord; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That there is hereby established a committee to be known as the Border Conference Committee to make studies of this area of cooperation

and development with the United States of Mexico, the states of California, Arizona and New Mexico and the Federal Government of the United States of America, and to report the result of its study to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives, and to determine what may be necessary for the State of Texas to have the advantage of existing financial assistance for the State Regional Metropolitan and County planning. The committee hereby established is to be composed of six members, two to be appointed by the Governor, two to be appointed by the Lieutenant Governor, and two to be appointed by the Speaker of the House of Representatives; and be it further

Resolved, That this committee is hereby authorized to ask for the cooperation and assistance of the various State Departments and City Governments in carrying out the purpose of this resolution.

MARTIN
OWEN
HARDEMAN
CRUMP
KAZEN

The resolution was read.

Senator Martin asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Martin then moved to consider the resolution immediately.

The motion to consider immediately prevailed by the following vote:

Yeas—25

Aikin	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis
Martin	

Nays—3

Fuller	Parkhouse
Hazlewood	

Absent

Baker

Absent—Excused

Roberts

Weinert

The President Pro Tempore then laid S. C. R. No. 16 before the Senate for consideration at this time.

The resolution was then adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of S. C. R. No. 16.

House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to committees indicated:

H. C. R. No. 7, To the Committee on Jurisprudence.

H. C. R. No. 11, To the Committee on Jurisprudence.

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 68, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 11 on Third Reading

The President Pro Tempore laid before the Senate on its third reading and final passage:

H. B. No. 11, A bill to be entitled "An Act appropriating from the General Revenue Fund One Hundred and Fifty Thousand Dollars for the expenses of the Senate, and Two Hundred and Fifty Thousand Dollars for the expenses of the House of Representatives, for the Third Called Session of the 57th Legislature; designating the provisions, procedures, and purposes for the expenditures of such

appropriations; and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25

Aikin	Martin
Baker	Moffett
Calhoun	Owen
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Fuller	Schwartz
Hardeman	Secrest
Hazlewood	Smith
Herring	Spears
Krueger	Willis
Lane	

Nays—4

Hudson	Moore
Kazen	Parkhouse

Absent—Excused

Roberts	Weinert
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**Committee Substitute
House Bill 1 on Third Reading**

The President Pro Tempore laid before the Senate on its third reading and final passage:

C. S. H. B. No. 1, A bill to be entitled "An Act to amend Title 53, Revised Civil Statutes of Texas, 1925, by adding Article 3272b to protect and preserve dormant deposits and inactive accounts held by a depository; defining terms; prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State, procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, penalties, supplemental effect, severability, and declaring an emergency."

The bill was read third time and was passed.

Record of Votes

Senators Parkhouse, Hazlewood, Crump, Creighton, Patman, Owen, Hudson, Lane and Willis asked to be

recorded as voting "Nay" on final passage of C. S. H. B. No. 1.

Senate Bill 68 Ordered Not Printed

On motion of Senator Baker and by unanimous consent S. B. No. 68 was ordered not printed.

Senate Bill 50 on Second Reading

On motion of Senator Aikin for Senator Roberts and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 50, A bill to be entitled "An Act validating orders entered by County Judges declaring the inhabitants of certain cities, towns or villages incorporated, setting forth the boundaries thereof and the officials of such cities, towns or villages; validating the corporate existence of such cities, towns or villages and elections heretofore held for the election of officials, and validating the acceptance of Title 28, Revised Civil Statutes as amended by such cities, towns and villages; providing that the officials named in such order constituted the officials of such city; enacting other provisions relating to the subject; providing the Act shall not apply to any municipality the validity of which is involved in litigation; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Votes

Senators Owen, Martin, Hardeman and Aikin asked to be recorded as voting "Nay" on the passage of S. B. No. 50 to engrossment.

Senate Bill 50 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 50 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Hazlewood	Parkhouse
Herring	Patman
Hudson	Reagan
Kazen	Rogers
Krueger	Schwartz
Lane	Secrest
Moffett	Smith
Moore	Spears

Nays—5

Hardeman	Ratliff
Martin	Willis
Owen	

Absent—Excused

Roberts	Weinert
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read the third time and passed by the following vote:

Yeas—24

Aikin	Krueger
Baker	Lane
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Reagan
Fuller	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears

Nays—5

Hardeman	Ratliff
Martin	Willis
Owen	

Absent—Excused

Roberts	Weinert
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Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

S. C. R. No. 6, Authorizing State Building Commission to make survey and draw plans for suitable memorial to signers of Texas Declaration of Independence.

S. C. R. No. 7, Granting permission to Moorelane Company et al. to sue the State of Texas.

S. C. R. No. 8, Granting permission

to Dr. Ellis Carp to sue the State of Texas.

Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the committees indicated:

By Senator Spears:

S. B. No. 76, A bill to be entitled "An Act amending Section 13 of the Texas Motor Vehicle Safety-Responsibility Act; exempting certain persons from suspension of driver's licenses, automobile registrations and non-residents' operating privileges due to non-payment of judgments; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hudson:

S. B. No. 77, A bill to be entitled "An Act creating Pan American College in Hidalgo County, Texas, and providing for organization, control and management of the college, the appointment of a Board of Regents, and selection of a President; providing for effective date of September 1, 1965, and blending of organization with Pan American College until September 1, 1965; providing for the financing of the College; providing for work, courses, and degrees of a first-class university; providing for courses and programs on the basis of need with no duplication of existing facilities; providing for the transfer and manner of transfer of certain properties and assets from Pan American Regional College District to Pan American College and for use and disposition thereof; providing for acceptance of donations, gifts and endowments; providing for obligations of the Legislature; repealing all laws and parts of laws in conflict with this Act; providing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 47 Re-referred

On motion of Senator Schwartz and by unanimous consent S. B. No. 47 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Leave of Absence

Senator Ratliff was granted leave

of absence for remainder of the day on account of important business on motion of Senator Hardeman.

Senate Bill 36 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 36 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 36 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Baker	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Fuller	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Nays—4

Calhoun	Hardeman
Dies	Owen

Present—Not Voting

Spears

Absent—Excused

Ratliff	Weinert
Roberts	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 36, A bill to be entitled "An Act placing certain restrictions upon the use of lands adjacent to and waters of Lake Palestine, Blackburn Crossing Dam and Reservoir in Anderson, Cherokee, Henderson and Smith Counties; delegating certain powers and authority to the Board of Directors of the Upper Neches River Municipal Water Authority; providing certain rules and regulations regarding swimming, bathing, wading, water skiing, the taking of fish, hunting, the shooting of firearms, and boating; providing penalties for the

violation of the provisions of this Act and regulations promulgated thereunder; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Calhoun offered the following amendment to the bill:

Amend S. B. No. 36 by striking out lines 5 and 6 of Sec. 16, and inserting in lieu thereof the following: "offense was committed."

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman, Calhoun, Owen, Dies and Spears asked to be recorded as voting "Nay" on passage of S. B. No. 36 to engrossment.

Senate Bill 36 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Baker	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Fuller	Reagan
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis
Lane	

Nays—5

Calhoun	Owen
Dies	Spears
Hardeman	

Absent—Excused

Ratliff	Weinert
Roberts	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Owen, Dies, Calhoun, Spears, and Crump asked to be recorded as voting "Nay" on the final passage of S. B. No. 36.

Senate Concurrent Resolution 14 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. C. R. No. 14 was ordered not printed.

Senate Concurrent Resolution 15 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. C. R. No. 15 was ordered not printed.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 18, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 47, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Adjournment

On motion of Senator Hardeman, the Senate at 4:35 o'clock p.m. adjourned until 10:30 o'clock a.m. Monday, January 22, 1962.

Record of Votes

Senators Moffett, Colson, Patman and Krueger asked to be recorded as voting "Nay" on the motion to adjourn.

TENTH DAY

(January 22, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Martin Dies, Jr.

Communication from President Pro Tempore

The Presiding Officer laid before the Senate the following communication which was read and was filed with the Secretary of the Senate:

January 22, 1962

Senator Martin Dies, Jr.
Senate Chamber
Austin, Texas

Dear Senator Dies:

In accordance with the provisions of Senate Rule No. 6, you are hereby named to perform the duties of the Chair during my absence from the Senate or until the Senate otherwise directs.

Respectfully,
Charles F. Herring
President Pro Tempore

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Smith
Kazen	Spears
Krueger	Willis

Absent—Excused

Herring	Secrest
Moffett	Weinert
Roberts	

A quorum was announced present.

Reverend Eugene Dye, Associate Pastor of the Central Christian Church of Austin, Texas, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of Thursday, January 18, 1962, was dispensed with and the Journal was approved.

Leaves of Absences

Senator Roberts was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Weinert was granted leave